HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.1945 of 2002

Dated 11th day of July, 2007

Between:

P. Vijaya Lakshmi ..
Petitioner

And

The Charminar Cooperative Urban Bank Limited,
rep. by its Recovery Manager, S.P.A.,
Purani Haveli, Hyderabad
and two others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the order dated 31.1.2002 in I.A.Sr.No.607 of 2002 in CTA.Sr.No.606 of 2002 passed by the Cooperative Tribunal Hyderabad, as arbitrary and illegal.

The petitioner asserts that M/s.Thusushita Engineering Services (Pvt.) Ltd., obtained a loan of Rs.7.00 lakhs from the 1st respondent-Cooperative Urban Bank on 13.7.1998 for which she stood as guarantor mortgaging her property in Plot No.16, situated at Surya Square Apartments, Hindinagar, Panjagutta, Hyderabad. When the principal borrower i.e. M/s.Thusushita Engineering Services (Pvt.) Ltd. defaulted in repayment of loan, the 1st respondent raised an arbitration dispute before the 2nd respondent, who, by his award dated 30.6.2000, directed the principal borrower to pay a sum of Rs.7,81,673/- together with future interest at 21% per annum. When the Managing Director of the principal borrower preferred an appeal challenging the award, the Cooperative Tribunal, Hyderabad, by its order dated 13.9.2001, directed it to pay Rs.4.00 lakhs, but, to the petitioner's utter surprise, the 1st respondent issued a notice of sale in E.P.No.109 of 2001, dated 20.12.2001 proposing to auction her property by fixing the date of auction on 1.2.2002 at 2:00 P.M. Now, her grievance is that when she filed an appeal under Section 76(6) of the A.P. Cooperative Societies Act before the Cooperative Tribunal, Hyderabad, to stay all further proceedings including the auction of sale to be conducted on

1.2.2002 in E.P.No.109 of 2001, dated 20.12.2001, the Cooperative Tribunal, by its order dated 31.1.2002, granted interim suspension of the award passed by the 2nd respondent on condition that she deposits a sum of Rs.4.00 lakhs on or before 1.2.2002 by 12.00 noon, i.e. in just one day, failing which the officials are at liberty to proceed with the sale of the property.

Heard the learned counsel for both the parties and perused the material placed on record.

On 1.2.2002, this Court, initially, had granted eight weeks' time for deposit of the amount, and thereafter, extended the time by six more weeks, and accordingly, the petitioner deposited the amount of Rs.4.00 lakhs, and hence, this Court is of the opinion that no further orders are required to be passed in this writ petition.

In the result, the writ petition is closed. No costs.

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11.07.2007

bcj